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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,475	07/20/2000	Toshinori Yamamoto	35.C14635	3083

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EXAMINER	
NGUYEN, HUY THANH	
ART UNIT	**PAPER NUMBER**
2616	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/620,475	YAMAMOTO, TOSHINORI	
	Examiner	Art Unit	
	HUY T. NGUYEN	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15 –16, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al (5,745,645)..

Regarding claim 15, Nakamura discloses a recording apparatus (Figs. 2,,20) comprising: recording means (220,208) for recording a plurality of image data trains (GOP) (Fig. 1) each constructed by image data of n frames (column 24, lines 1-25) , n is an integer of 2 or more and recording the addresses of groups of image data trains cell addresses) and addresses of the mage data train (VOB addresses) in management area . (Fig. 20)

Regarding claims 16, Nakamura further teaches the recording means includes encoding means (Fig. 2) for encoding said image data on a unit basis of n frames and records said encoded image data.

Method claims 20 and 23 corresponds to apparatus claim 15. Therefore method claim 20 is rejected by the same reason as applied to apparatus claim 15.

Further for claim 23 , Nakamura further teaches a computer-readable recording medium which stores a program comprising the steps of the claim since processing a recording of the image data and management data are controlled by a controller .

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-6,18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over being Shirakawa et al (5949953) in view of Hirabayashi et al (6,009,237).

Regarding claim 1, Shirakawa discloses a recording apparatus (Figs. 2, 1) comprising: recording means (220,208) for recording a plurality of image data trains (GOP) (Fig. 1) each constructed by image data of n frames (column 24, lines 1-25) , n is an integer of 2 or more, and management data indicative of recording addresses of said image data trains onto a disk-shaped recording medium, said recording means recording said image data trains into the image data area (Fig. 1A) of said disk-shaped recording medium and recording said management data into a management data area (Fig. 1B) of said disk-shaped recording medium (202) ; and control means for controlling said recording means as to add said management data regarding said image data trains on said plurality of image data trains basis and record said plurality of image data trains to which said management data is added, into said image data area (Figs .1, column 23, line 60 to column 24, line 26, column 27 lines 1- 45).

Shirakawa fails to teaches recording a predetermine value in place of the end address .

Hirabayashi teaches an apparatus having a means for recording a predetermine value as start address and end address of image data (time code) in place of a address area ((Fig. 2, column 3, lines 20-25, column 4, lines 15-25).

It would have been obvious to one of ordinary skill in the art to modify Shirakawa with Hirabayashi by using a recording means as taught by Hirabayashi for recording

a predetermined value in place of the end address thereby accurately accessing the image data .

Shirakawa as modified with Hirabayashi fails to specifically teaches

Yamauchi (6,047,103) teaches a recording apparatus for recording in an address region a predetermined value (flag) other than a recording address (column 6, lines 30-35) .

It would have been obvious to one o ordinary skill in the art to modify Shirakawa as modified with Hirabayashi with Yamauchi for recording a predetermine value other than the recording end address in order to accurately access the recorded image data.

Regarding claim 2, Shirakawa teaches the recording means records said image data into a first area (Fig. 1A) on said recording medium and records said management data into a second area (Fig. 1B) on said recording medium.

Regarding claim 3, Shirakawa as modified with Hirabayashi further teaches control means controls said recording means so as to record a recording end address of said image data in place of said predetermined value in response to a recording end instruction of said image data (See Hirabayashi (Fig. 2, column 4, lines 17-25).

Regarding claim 4, Shirakawa as modified with Hirabayashi further teaches the control means further controls said recording means so as to add second management data including a recording end address of an image data train constructed by said

image data of a predetermined period to said image data train and record said second management data to said recording medium (See Hirabayashi column 4, lines 17-25).

Regarding claim 5, Shirakawa further teaches said second management data is added to the end of each image data train and recorded, and wherein said control means controls said recording means so as to overwrite a new image data train onto a recording position of said second management data added to just-preceding image data train in case of recording the new image data train. (column 27, lines 15-40, column 42, lines 24-68).

Regarding claim 6, Shirakawa as modified with Hirabayashi further teaches a reproducing means for reproducing said management data and said second management data from said recording medium (See Shirakawa column 27, lines 10-45 , and wherein said control means further controls said recording means so as to record the recording end address included in said second management data in place of said predetermined value included in said management data (See Hirabayashi (Fig. 2, column 4, lines 17-25) .

Methods claims 18 and 21 correspond to apparatus claim 1, therefore, method claims 18 and 21 are rejected by the same reason as applied to apparatus claim 1. Further it is noted that Shirakawa as modified with Hirabayashi inherently teaches a program stored in medium since Shirakawa as modified with Hirabayashi teaches using a control means for recording image train data address data.

5. Claims 7 – 14,19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirakawa et al in view of Mukawa (5,598,391).

Regarding claims 7 and 14, Shirakawa discloses a recording apparatus (Figs. 2, 1) comprising: recording means (220,208) for recording a plurality of image data trains (GOP) (Fig. 1) each constructed by image data of n frames (column 24, lines 1-25) , n is an integer of 2 or more, and management data indicative of recording addresses of said image data trains onto a disk-shaped recording medium, said recording means recording said image data trains into the image data area (Fig. 1A) of said disk-shaped recording medium and recording said management data into a management data area (Fig. 1B) of said disk-shaped recording medium (202) ; and control means for controlling said recording means as to add said management data regarding said image data trains on said plurality of image data trains basis and record said plurality of image data trains to which said management data is added, into said image data area (Figs .1, column 23, line 60 to column 24, line 26, column 27 lines 1-45).

Shirakawa fails to teaches a control means for controlling said recording means so as to record flag data indicating that the recording stop of said image data by said recording stop instruction is not performed, together with said management data.

Mukawa teaches a recording and reproducing apparatus having a control means for recording a flag data indicating the recording stop of data is not performed by a instructing means together with management data (column 3, lines 25-40, column 14, line 65 to column 15, line 25).

It would have been obvious to one of ordinary skill in the a at to modify Shirakawa with Mukawa by using a control means as taught by Mukawa with the apparatus of Shirakawa for recording a flag indicating that the a recording stop of the image data is not performed by the instructing means in order to prevent error in resuming image data causes by power disruption .

Method claim 19 corresponds to apparatus claim 7. Therefore, method claim 19 is rejected by the same reason as applied to apparatus claim 7.

Regarding claim 22, the combination of Shirakawa as modified with Mukawa further inherently teaches a medium stored with a program to perform the method as recited in claim since Shirakawa as modified Mukawa teaches using CPU, ROM and RAM for controlling and recording data , flag and address data .

Regarding claim 8, Shirakawa as modified with Mukawa further teaches the control means controls said recording means so as to erase said flag data in response to the recording stop instruction issued by said recording means since Mukawa teaches that address from the memory is recorded on the medium and the flag is erased (See Mukawa ,column 14, lines 40-46, column 15, lines 20-25).

Regarding claim 9, Shirakawa as modified with Mukawa further teaches the control means further controls said recording means so as to add second management data (GOP header) including a recording end address of an image data train constructed by said image data of a predetermined period to said image data train and record said second management data on said recording medium since Shirakawa teaches recoding second management data (GOP header and address (column 24,

lines 10-45) and Mukawa teaches recording an end address for each information recorded on the medium (column 14, lines 39-46).

Regarding claim 10, Shirakawa further teaches the d second management data is added to the end of each image data train and recorded, and said control means controls said recording means so as to overwrite a new image data train onto a recording position of said second management data added to just-preceding image data train in case of recording the new image data train (column 24, lines 10-45, column 42, lines 24-68).

Regarding claim 11, Shirakawa as modified with Mukawa further Teaches a reproducing means for reproducing the data from said recording medium, and wherein said control means further controls said recording means so as to record the recording end address included in said second management data into said management data in accordance with said flag data in said reproduction data (See Shirakawa column 24, lines 1-45, Mukawa , column 14, lines 40-46, column 15, lines 20-25).

Regarding claim 12, Shirakawa as modified with Mukawa further teaches the recording means includes encoding means (204, Fig. 1) for encoding the image data and records said encoded image data.

Regarding claim 13, Shirakawa as modified with Mukawa further teaches the recording means includes a memory for storing said management data, forms said management data by using said memory, and records the management data stored in said memory onto said disk-shaped recording medium in response to said recording

stop instruction (See Shirakawa column 24, lines 1-45, Mukawa , column 14, lines 40-46, column 15, lines 20-25).

Regarding claim 7,14,19 and 22 , applicant argues that Shirakawa as modified with Mukawa does not teach recording the flag data on the disc shaped recording medium . In response, it is noted that applicant argument t is not recited in the claims. It is noted that in the body of claims 7,14,19 and 22 nowhere do they specifies that the flag is recorded by any means on a disc shaped recording medium.

6. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al in view of Shirakawa et al .

Regarding claim 17, Nakamura fails to teaches Shirakawa further teaches in case of recording a new image data train, said control means controls said recording means so as to overwrite said new image data train onto an address where the management data of the image data train recorded just before has been recorded.

Shirakawa teaches a recording apparatus having a control means controls said recording means so as to overwrite said new image data train onto an address where the management data of the image data train recorded just before has been recorded (column 42, lines 24-68).

It would have bee obvious to one of ordinary skill in the art to modify Nakamura with Shirakawa by using a control means as taught by Shirakawa with the apparatus of Nakamura for controlling the recording means so as to overwrite said

new image data train onto an address where the management data of the image data train recorded just before has been recorded there by enhancing the capacity of Nakamura in editing the image data .

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

HUY NGUYEN
PRIMARY EXAMINER